

ABSTRACT

This thesis focuses on the "*superficies solo cedit*" principle, known since the times of the Ancient Rome and further adopted in civil law codexes, and according to which buildings are considered a part of the land on which they are built. The "*superficies solo cedit*" now becomes - after more than sixty years - a part of Czech law again thanks to the Section 506 of the NCC.

This thesis divided into two main sections. The first section deals with historical aspects of the above principle through a timeline. In this section the Author explores the causes of the above principle in the Roman-law, investigates the regulation contained in the in the Austrian ABGB and looks at the efforts to implement the above principle into Czech private law in the period following the First World War. This section also covers the era following the Second World War when the efforts to implement the above principle came to a halt thank to Communist's successful rise to power and subsequent ideological changes resulting in complete abandonment of the above principle in Czech law. The Civil Code from 1964 for example completely lacked the above principle. This has been changed by the adoption of the New Civil Code 2014 ("NCC") which expressly references itself to the tradition of the Austrian ABGB from 1811.

The Second section deals with the regulation of the above principle in the NCC. One chapter of this section is devoted to the definitions without which it would be impossible to carry out any further analysis. The thesis looks in detail at the consequences of the implementation of the above principle to Czech law. Most importantly it focuses on the legislators' efforts to tackle the fact, that after more than sixty years without the above principle in effect, the ownership of land was separated from the ownership of buildings, through the introduction of a statutory pre-emption right. The Author also pays the attention to the exceptions from the "*superficies solo cedit*" principle.